BORA LASKIN LAW LIBRARY
3 1761 10631407 3

LAND DEVELOPMENT

AND

COMMERCIAL REAL ESTATE PROBLEMS

MORTON G. GROSS, Q.C.

1988-1989

VOLUME 2

FACULTY OF LAW
UNIVERSITY OF TORONTO

LAW LIBRARY

SEP 2 2 1988

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

LAND DEVELOPMENT

AND

COMMERCIAL REAL ESTATE PROBLEMS

MORTON G. GROSS, Q.C.

1988 - 1989

FACULTY OF LAW

UNIVERSITY OF TORONTO

TABLE OF CONTENTS

Chapter 1:	SUBDIVISION CONTROL
Chapter 2:	BUSINESS ENTITIES AND TAXATION
Chapter 3:	CONDOMINIUMS
Chapter 4:	GROUND LEASES
Chapter 5:	COMMERCIAL LEASING
Chapter 6:	PRIMARY FINANCING
Chapter 7:	COLLATERAL SECURITY

CHAPTER 3

CONDOMINIUMS

	Page
Condominium Act	1
Condominium Declaration	76
Condominium By-Laws No. 1 - 6	96
Condominium Rules	119
Surveyor's Condominium Flow Charts to Registration	122
Condominium Agreement of Purchase and Sale	124
CASES:	
Benner et al. v. HLS York Developments Ltd. 1985 52 O.R. (2d), 243	133
Carleton Condominium Corp. No. 106 et al. v. Mastercraft Development Corp. Ltd. 1985 49 O.R. (2d) 638	144
York Condominium Corp. No. 59 v. York Condominium Corp. No. 87	150
York Condominium Corporation No. 167 v. Newrey Holdings (1981) 32 O.R. (2d) 458	153

READING LIST: CASES

Re Macval Enterprises Ltd. 1972 O.R. (Vol. 2) 458

Re MacDonald and Yates 4 O.R. (2d) 547

Re Lambert Island Ltd. 1972 O.R. (Vol. 2) 659

Re Crossroads Apartments Ltd. 47 D.L.R. (3d) 172

Frontenac Condominium Corp. No 1 v. Joe Macciocchi & Sons Ltd. (1974) 3 O.R. (2d) 331

Re Key et al. and St. George Holdings Co. Ltd. [1972] 3 O.R. 326

York Condominium Corporation No. 104 v. Supreme Automatic Washing Machine Co. 18 O.R. (2d) 596

Re Peel Condominium Corporation No. 11 and Care et al 4 O.R. (2d) 543

Re Cadillac Fairview Corporation and Allin (1979) 25 O.R. (2d) 73

Re Basmadjian and York Condominium Corporation No. 52 (1981) 32 O.R. (2d) 523

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/landdevelopmentc02gros

SUPPLEMENTARY READING:

R. Risk - "Condominiums and Canada", (1968) 18
University of Toronto Law Journal, 1

Law Society of Upper Canada Lectures, 1970
J. Richard Shiff, Condominium "The Flying Fee"

Burns and McLellan, Condominium: The Law and
Administration in Ontario (1981)

Insight Seminar,
Condominium Development in 1987 - Maximizing
Profits and Minimizing Liabilities - February
25th, 1987 - "Concerns of the Condominium
Lender" - Murray B. Shopiro

CHAPTER 4

GROUND LEASES

The Alternative to a Sale

	Page
Questions Concerning Ground Leases	1
Form of Ground Lease - Vacant Land	4

CHAPTER 5

COMMERCIAL LEASING

	Page
Problems - (a) Concerning an Office Building Lease	1
(b) Concerning Retail Shopping Centre Lease	3
Agreement to Lease - Shopping Centre	5
Shopping Centre Lease	17
Office Lease	50
Negotiation of Purchase of Shopping Centre	115

CHAPTER 6

PRIMARY FINANCING

	Page
Construction Financing Article by Morton G. Gross, Q.C. - Law Society of Upper Canada Lecture - Structuring and Financing Commercial Real Estate Transactions - February 1st, 1986	1
Commitment Letter	11
Charge of Land	21
Demand Debenture	42

SUPPLEMENTARY READING:

Variable Rate Mortgages and Sections 2, 6, 7 and 9 of The Interest Act, by Martin Fingerhut, Law Society of Upper Canada Lecture - Interest and Other Matters of Interest, October 2, 1982

Creative Financing Techniques Developed in the Early 1980's in Response to High Interest Rates and Inflation and their Application Today, by Daniel F. Sullivan, Law Society of Upper Canada Lecture - Sructuring and Financing Commercial Real Estate Transactions, February 1, 1986

CHAPTER 7

COLLATERAL SECURITY

	Page
Collateral Security Article Morton G. Gross, Q.C. Insight Seminar - Real Estate Development and Construction Financing - May 28th and 29th, 1987	1
Bonding and Insurance Article Kenneth W. Scott, Q.C. September 30th, 1985	28